

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

D'ALLYN E. WASHINGTON,

Petitioner,

v.

HAROLD GRAHAM,

Respondent.

DECISION AND ORDER
16-CV-72A

The Court referred this case to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). On August 18, 2016, Judge Scott filed a Report and Recommendation (Dkt. No. 23), recommending that the Petition for Habeas Corpus (Dkt. No. 1) be denied. On August 31, 2016, petitioner filed objections (Dkt. No. 24), and on September 16, 2016, Respondent filed a response.

Pursuant to 28 U.S.C. §636(b)(1), the Court must review *de novo* those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, the Court adopts Judge Scott's Report and Recommendation in its entirety. Accordingly, for the reasons set forth in Judge Scott's Report and Recommendation, the Petition for Habeas Corpus is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: December 6, 2016